

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

KIRSCH RESEARCH AND  
DEVELOPMENT, LLC,

Plaintiff,

v.

BLUELINX CORPORATION,

Defendant.

Case No. 6:20-cv-316-ADA

**DECLARATION OF CAROLYN W. SMITH**

I, CAROLYN W. SMITH, hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. My name is Carolyn W. Smith, and I reside in Kennesaw, Georgia. I am over 18 years of age. and I have personal knowledge of the matters set forth in this declaration. I would be competent to testify as to the matters set forth herein if I am called upon to do so.

2. I am employed by BlueLinx Corporation (BlueLinx") as a Senior Category Manager. I have been employed by BlueLinx for approximately 7 years. In my current role, I have responsibility for BlueLinx's Insulation, House Wrap, and Decking product lines. From approximately November 2018 until July 6, 2020, I was also responsible for BlueLinx's Roofing and Poly product lines. In this role, I am responsible for negotiating national programs with suppliers, pricing, and inventory management. I am personally familiar with BlueLinx's sales of RhinoRoof and ProLinx.

3. BlueLinx Corporation is incorporated in Georgia and maintains its principal place of business at 1950 Spectrum Circle, Suite 300, Marietta, GA 30067.

4. I understand that BlueLinx Corporation has been accused of patent infringement in the case identified above that was filed in federal court in the Western District of Texas. I

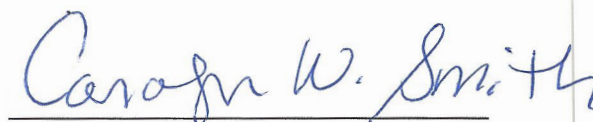
understand that the plaintiff has asserted that BlueLinx infringes one of its patents by making, using, offering for sale, selling, and/or importing Owens Corning's RhinoRoof line of synthetic underlayment products, including RhinoRoof U10, RhinoRoof U15, RhinoRoof U20, and RhinoRoof RSA. I further understand that the plaintiff has asserted that BlueLinx infringes a different patent by making, using, offering for sale, selling, and/or importing the ProLinx line of synthetic underlayment products, including ProLinx UDL 10, ProLinx UDL 20, and ProLinx UDL 30.

5. BlueLinx is a wholesale distributor of building products. BlueLinx does not manufacture either the RhinoRoof or ProLinx lines of underlayment products. As a distributor, BlueLinx is a customer of the manufacturers and is a reseller of those products.

6. BlueLinx Corporation has not made, used, sold, offered for sale, or imported any RhinoRoof synthetic underlayment product (including RhinoRoof U10, RhinoRoof U15, RhinoRoof U20, or RhinoRoof RSA) in the State of Texas for at least the last six years.

7. The RhinoRoof line of synthetic underlayment products is a regional product line for BlueLinx. BlueLinx's distribution of the RhinoRoof line of synthetic underlayment products is largely sold to parts of the Southeastern United States, not including Texas.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 21, 2020.

  
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Carolyn W. Smith